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Constitution of the Cheesh-Na Tribe

TRIBAL GOVERNMENT SERVICES
JUNEAU REGIONAL OFFICE

Preamble

We, a group of Alaska Natives, residents of the State of Alaska and citizens of the United States, shall constitute the Cheesh-Na Tribe, and by this declaration we assert our freedom as Cheesh-Na Tribal members, and as such, ordain and institute this Constitution as a means to strengthen our culture and community by protecting our land and resources, culture and traditional values, and by empowering our people to be strong and healthy in mind and body.

Article I - Name

The name of this Tribal organization shall be the Cheesh-Na Tribal Council.

Article II - Definition of Territory & Territorial Jurisdiction

The exterior boundaries of the Cheesh-Na Tribe shall coincide with those lands conveyed under the Alaska Native Claims Settlement Act, including any other land that may be claimed or acquired by the Cheesh-Na Tribe. The Cheesh-Na Tribe shall have jurisdiction to the fullest extent over all lands and people within its territory.

Article III - Membership

Section 1. Base Membership
Any living person(s) of Alaska Native descent whose name appears on the Cheesh-Na Tribal roll shall be enrolled as a base member and be eligible to vote in accordance with the Cheesh-Na Tribe By-Laws, unless any such person(s) shall in writing request not to be so enrolled.

Section 2. Voting Membership
Any living person(s) of blood descendent of any person originally enrolled to the Cheesh-Na Tribe may, upon application, be enrolled as a voting member of the Cheesh-Na Tribe.

Section 3. Non-Voting Membership
Any living person(s) of Alaska Native descent may, by adoption, be enrolled as a non-voting member of the Cheesh-Na Tribe if:

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(a) They are a citizen of the United States of America and,

(b) They have physically resided in Cheesh-Na for a period of at least one (1) year immediately prior to the date of their enrollment into the Cheesh-Na Tribe.

Section 4. Tribal Enrollment
Tribal Enrollment will be regulated as set forth by ordinance duly adopted by the Cheesh-Na Tribe.

Article IV - Governing Body

Section 1. Name
The governing body of the Cheesh-Na Tribe shall be the Cheesh-Na Tribal Council.

Section 2. Composition
The Cheesh-Na Tribal Council shall be comprised of seven officers who shall be elected by members of the Cheesh-Na Tribe at a duly called general meeting, provided:

a) One seat shall be reserved for an elder member over age 65, and

b) Those elected to serve, as officers must have physical residence in Cheesh-Na for a period of no less than one year immediately before the election.

Section 3. Officers
Officers of the Cheesh-Na Tribe shall include a President, Vice President, and a Secretary/Treasurer, who shall be elected annually by the Cheesh-Na Tribal Council, provided:

a) The Cheesh-Na Tribal Council, may from time to time, appoint such other officers as may be necessary to fulfill the duties of vacated offices, and

b) Officers shall serve at the pleasure of the Cheesh-Na Tribal Council.

Section 4. Term of Office
All officers of the Cheesh-Na Tribal Council shall serve three year terms as prescribed in the Cheesh-Na Tribe's By-Laws and may be removed from office during their tenure as provided in the By-Laws.

Section 5. Assumption of Office
All officers of the Cheesh-Na Tribal Council shall take office immediately upon election certification.

Section 6. Conflict of Interest

No officers of the Cheesh-Na Tribal Council shall participate in, discuss, or vote, on any matter relating to the officer's immediate family. An officer may be hired by the Cheesh-Na Tribe but while so employed the officer shall abstain from participation in matters before the Cheesh-Na Tribal Council pertaining to his or her employment. "Immediate family" means close family members by blood or adoption, such as father, mother, wife, husband, brother, sister, son, or daughter.

Article V - Powers of the Cheesh-Na Tribal Council

Section 1. Powers

The Cheesh-Na Tribal Council shall exercise the following powers by appropriate motion, resolution or ordinance, subject to any limitations imposed by this Constitution or applicable laws of the United States:

a) To negotiate, advise and consult with representatives of the United States, foreign and domestic governments, the State of Alaska, and other Tribal government(s), on behalf of the Cheesh-Na Tribe, regarding any activity, which may affect the Cheesh-Na Tribe.

b) To administer, promote, and protect the health, education, economic and general welfare of the Cheesh-Na Tribe and their children, including administration of charity benefits and such other services that contribute to the social, traditional, cultural and economic development of the tribe.

c) To levy and collect taxes, liens, dues, and fees that may be subject to approval by vote of Tribal members, and to otherwise raise revenue.

d) To regulate the internal affairs and procedures of the Cheesh-Na Tribe, including the adoption of By-Laws.

e) To encourage, protect, and promote traditional Tribal culture and practices of the Cheesh-Na Tribe, including protection of artifacts and archaeological sites.

f) To authorize subordinate boards, committees, Tribal officials and/or Tribal employees to administer the affairs and directives of the Cheesh-Na Tribe.

g) To authorize, form, or otherwise create a federation or union with other federally recognized Tribes.

h) To manage, lease, exchange, acquire, or otherwise deal with Tribal or other property, including management and preservation of its wildlife and natural resources if under jurisdiction of the Cheesh-Na Tribe.

i) To withhold consent and or prevent the sale, disposition, encumbrance, or lease, or any other interest therein, of any Tribal property, including lands and waters, that may or otherwise fall within the jurisdiction of the Cheesh-Na Tribe.

j) To make assignment of Tribal land and waters, in accordance with Tribal customs, laws and regulations, for use and occupancy by members of the Cheesh-Na Tribe.

k) To administer and manage Tribal monies.

l) To engage and promote Tribal economic development.

m) To provide for law and order, including administration thereof, through establishment of a Tribal judicial system.

n) To safeguard and promote peace, safety, morals, and beliefs of the Cheesh-Na Tribe, and its general welfare.

o) To employ legal counsel.

p) To organize or form enterprises, corporations, or associations, for the benefit of the Cheesh-Na Tribe.

q) To regulate inheritance among Tribal members and their children, if the Cheesh-Na Tribal Council adopts an ordinance to that effect.

r) To prescribe rules and procedures, without limitation, that may be necessary to give effect to any provision of this Constitution.

Section 2. Sovereign Immunity

Nothing in this Constitution shall be deemed or construed as a waiver of Cheesh-Na Tribes' sovereign immunity or jurisdiction, provided:

a) The Cheesh-Na Tribal Council, may, by express written resolution, waive the Tribe's sovereign immunity for a specific purpose.

b) The resolution shall provide for a specific period of time and the purpose for which it is applicable, and

c) Waiver of sovereign immunity shall not be deemed a general consent to levy judgment or any interest therein, nor shall it attach to property of the Tribe unless pledged, assigned or otherwise explicitly specified by resolution.

Article VI - Amendments

Section 1. Amendments
Amendments to this Constitution may be submitted to the Cheesh-Na Tribal Council by a petition signed by twenty-five (25) Tribal members. The petition must briefly explain why such an amendment(s) is necessary. The Cheesh-Na Tribal Council shall consider any proposed amendment in its regular order of business at a properly convened meeting. Any amendment to this Constitution must have a majority vote of Tribal members voting in favor of such amendment.

Article VII - Adoption of Constitution

Section 1. Adoption
This Constitution of the Cheesh-Na Tribe was adopted by a majority vote of the members thereof, at a duly convened meeting held on the 8th day of April, 2000.

Cheesh-Na Tribe

President

Secretary/Treasurer

BY-LAWS OF THE CHEESH-NA TRIBE

Article I. Duties of Officers

Section 1. President
The President or his/her designee shall preside at all meetings of the Cheesh-Na Tribal Council, and shall execute on behalf of the Tribe all contracts, leases, and other documents necessary for the Tribe's function, as approved by the Cheesh-Na Tribal Council at regularly convened meeting's. The President or his/her designee shall have supervision of the Tribal Administrator and shall be the official Tribal representative.

Section 2. Vice President
In absence of the President, the duties of the Vice-President or his/her designee, shall be the same as those of the President.

Section 3. Secretary/Treasurer
The Secretary/Treasurer shall act as chairperson in the absence of the President or Vice President. The Secretary/Treasurer shall cause to be kept in a safe place, a complete and accurate record, of all Tribal correspondence and business transactions. The Secretary/Treasurer shall record all adopted Tribal regulations and ordinances in appropriate books, and assure their accessibility to Tribal members. The Secretary/Treasurer shall accept, receive, preserve and safeguard all funds for which the Cheesh-Na Tribal Council is accountable. The Secretary/Treasurer shall faithfully record all expenditures and shall report to the Cheesh-Na Tribal Council the amount and nature of all funds in his/her possession or custody. The Secretary/Treasurer shall not pay out or authorize disbursement of funds except upon authorization of the Cheesh-Na Tribal Council.

Section 4. Vacancy in Office
The rights and duties of all Cheesh-Na Tribal Council officers and members may be more clearly defined by resolution. Should a vacancy in office occur, the remaining Cheesh-Na Tribal Council officers, by majority vote, may appoint another from the Tribe's membership roll. No appointive Cheesh-Na Tribal Council officer shall serve a term longer than that of the elective officer for whom the vacancy occurred.

Section 5. Records
All accounts, records, books, and minutes of the Cheesh-Na Tribal Council shall be subject to review by its Tribal members, including State and Federal officials who are legally authorized to review the same, provided:

a) Review of accounts, records, books, and minutes must be by written request of no less than two weeks advance notice.

b) Review of accounts, records, books, and minutes must be in the presence of a Tribal officer or Tribal Administrator, and a reasonable fee may be charged for copies of such records.

c) Review of accounts, records, books, and minutes are subject to confidentiality.

d) The Cheesh-Na Tribal Council reserves the right to withhold consent to review such records when deemed reasonable and appropriate.

Article II. Meetings and Elections

Section 1. Eligible Voting Members

Any duly enrolled voting member of the Cheesh-Na Tribe, eighteen (18) years of age or older, shall be eligible to vote in all Tribal meetings and elections.

Section 2. Qualification of Candidates

Only voting members shall be eligible for election to the Cheesh-Na Tribal Council. The Cheesh-Na Tribal Council shall consist of seven (7) officers, one of whom must be an elder Tribal member.

Section 3. General Meetings and Elections

The Cheesh-Na Tribal Council shall select a date in April of every year for the Tribe's general meeting and election, provided that notice of any meeting must be posted in a public place no less than thirty (30) days in advance. Such posted notice shall serve as notice to the membership of any annual or special meeting or election.

Section 4. Special Meetings

The Cheesh-Na Tribal Council may call special meetings, as it deems necessary, provided that any special meeting must be posted in a public place no less than ten (10) days in advance.

Section 5. Staggered Terms

At the first election, the terms of the officers shall be staggered according to the number of votes cast for each candidate. The three (3) candidates receiving the highest number of votes shall serve three (3) year terms; the two (2) candidates receiving the next highest number of votes shall serve two (2) year terms; and the two candidates receiving the next highest number of votes shall serve (1) year terms. Thereafter, each elected candidate shall serve three (3) year terms, except as necessary to maintain staggered terms in accordance with these By-Laws.

Section 6. Election Ordinance

As soon as practicable and upon adoption of these By-Laws, the Cheesh-Na Tribal Council shall enact an ordinance governing Tribal elections in accordance with the Cheesh-Na Tribe Constitution. The ordinance shall provide for elections by secret

ballot, nomination of candidates, maintenance of a membership roll, the settling of election disputes, and other matters pertaining to the conduct of elections.

Section 7. Election Committee
The Cheesh-Na Tribal Council shall appoint an election committee consisting of three (3) Tribal members for each Tribal election which shall have the responsibility to supervise, administer and conduct the election. The election committee shall serve from the time of their appointment through certification of the election process for which the committee was appointed. No member of the election committee shall at the same time be an officer, or candidate for office, to the Cheesh-Na Tribal Council.

Section 8. Quorum of Voting Members
A properly called meeting of the Cheesh-Na Tribal Council shall convene if at least one-third percent (1/3%) of eligible voters have registered in person.

Article III. Meetings

Section 1. Regular Meetings
Regular meetings of the Cheesh-Na Tribal Council shall be held at least quarterly; the date, times, and places to be designated by the Tribal Council.

Section 2. Special Meetings
The President or any two officers may call special meetings of the Cheesh-Na Tribal Council. Special meetings may be called for a specific purpose only.

Section 3. Quorum
A quorum shall consist of four (4) officers of the Cheesh-Na Tribal Council. Except as provided in these By-Laws, no business shall be transacted without a quorum present.

Section 4. Public Meetings
All meetings of the Cheesh-Na Tribal Council shall be open to the membership of the Cheesh-Na Tribe. The Cheesh-Na Tribal Council may recess the meeting or restrict attendance, if in its discretion, the subject matter deserves a closed or executive session.

Section 5. Permanent Ordinances
All decisions of the Cheesh-Na Tribal Council on matters of general or permanent Tribal interests shall be final and embodied in ordinances. The ordinances shall be recorded and made available to Tribal members and others upon reasonable request.

Section 6. Temporary Resolutions
All decisions of the Cheesh-Na Tribal Council on matters of temporary Tribal interests shall be final and embodied in resolutions. The resolutions shall be collected and made available to Tribal members and others upon reasonable request.

Section 6. Parliamentary Procedures
All meetings of the Cheesh-Na Tribal Council shall be conducted in accordance with these By-Laws and the Cheesh-Na Tribe Constitution.

Article IV. Rights of Members

Section 1. Civil Rights
Consistent with the Cheesh-Na Tribal customs, laws and traditions, the Cheesh-Na Tribe, in exercising its powers of self-government, shall not deny to any person within its jurisdiction, the freedom of speech, press or religion; the right of people to assemble peacefully; the right to equal protection under tribal law, and; the right to personal liberty, property and membership, without due process of law.

Section 2. Land Rights
Cheesh-Na Tribal members shall have equal rights to use Tribally owned lands, including those lands conveyed under the Alaska Native Claims Settlement Act, dated December 18, 1971, as amended, and the Merger Agreement between the former Cheesh-Na Corporation and Ahtna, Incorporated, dated September 30, 1980.

Section 3. Freedom of Information
Except as specifically provided by Tribal ordinance and in accordance with Article 1, Section V of these By-Laws, Cheesh-Na Tribal members shall have the right to review any Tribal records, at any reasonable time, upon two weeks advance written notice.

Article V. Removal, Recall, and Forfeiture

Section 1. Removal
The Cheesh-Na Tribal Council may remove any officer, or agent elected or appointed by the Cheesh-Na Tribal Council whenever in its judgment the best interest of the Cheesh-Na Tribe will be served thereby. Removal involving behavior such as gross misconduct or neglect of duty in office must be unanimous at a duly convened meeting and acting through secret ballot cast by officers of the Tribal Council, including the President. The accused shall have no right to cast a ballot. Prior to any vote for removal, the accused shall be provided a written statement of the charges against him/her at least ten (10) days prior to any action taken by officer of the Tribal Council. The person shall be given an opportunity to appear and answer to the charges against him/her. If the accused fails to appear, the remaining Tribal officers shall proceed with casting a ballot as prescribed above. No Tribal officer shall preside

over a meeting where his/her removal is considered. The decision of the remaining Tribal officers is final.

Section 2. Recall

Cheesh-Na Tribal voting members shall have the right to recall officers of the Cheesh-Na Tribal Council. The recall process shall be initiated by filing a valid petition with the Tribal Council which sets forth the reasons for recall, signed by no less than thirty percent (30%) of Tribal voting members. Within thirty days (30) of receipt of the petition, the Tribal Council shall select a date for a special Tribal meeting, provided that the date of the meeting must be posted in a public place no less than two (2) weeks in advance. An appointed Tribal Council officer shall be removed by majority vote at a meeting at which a quorum is present. An individual subjected to recall, shall not again be subject to the same proceeding during the remaining term in office.

Section 3. Forfeiture

Any Cheesh-Na Tribal Council officer found guilty of a felony in a Federal or State court of law; who becomes deceased; who resigns; or who is absent for more than three (3) consecutive meetings without being excused; shall automatically forfeit his/her position on the Tribal Council.

Article VI. Rule-Making Power

Section 1. Authority

The Cheesh-Na Tribe and the Tribal Council shall have authority to adopt and enforce such ordinances as may be necessary to carry out the provisions of the Cheesh-Na Constitution and By-Laws.

Article VII. Adoption

Section 1. Adoption

The Cheesh-Na Tribal Council hereby adopts these By-Laws on the 8th day of April, 2000.

CHEESH-NA TRIBAL COUNCIL

_____
President

_____
Secretary/Treasurer